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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,927	12/18/2001	James M. Creek	BASP:101_US_	4896
75	08/05/2003			
HODGSON RUSS LLP INTELLECTUAL PROPERTY LAW GROUP ONE M & T PLAZA			EXAMINER	
			SMITH, JAMES G	
	SUITE 2000 BUFFALO, NY 14203-2391		ART UNIT	PAPER NUMBER
•			3723	
			DATE MAILED: 08/05/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

		(				
	Application No.	Applicant(s)				
	10/023,927	CREEK, JAMES M.				
Office Action Summary	Examiner	Art Unit				
	James G. Smith	3723				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status						
1) Responsive to communication(s) filed on	•					
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims  4)  Claim(s) 1-12 is/are pending in the application						
4a) Of the above claim(s) is/are withdraw						
5) Claim(s) is/are allowed.	m nom consideration.	•				
6)⊠ Claim(s) <u>1-12</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers	·					
9)☐ The specification is objected to by the Examiner	•					
10)⊠ The drawing(s) filed on <u>18 December 2001</u> is/ar	e: a)⊠ accepted or b)⊡ objected t	o by the Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	)-(d) or (f).				
a) All b) Some * c) None of:						
1. Certified copies of the priority documents						
2. Certified copies of the priority documents						
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>						
Attachment(s)	. ,					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.	5) Notice of Informal P	r (PTO-413) Paper No(s) Patent Application (PTO-152)				
Potent and Trademark Office						

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Ulevich.

Carr shows the claimed invention except for the use of a base with the same shape as the socket, i.e. hex shaped. Ulevich suggests that an insert can have its base portion shaped to fit the interior of the socket to provide a better fit in contacting the interior sides. It would therefore be obvious to one skilled in the art at the time the invention was made to modify Carr by using a base with the same shape as the interior of the socket because Ulevich suggests the use of such an insert with a base of that shape.

3. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Ulevich as applied to claims 1-6 and 8-11 above, and further in view of Paul.

Carr, as modified by Ulevich above, shows the claimed invention except for the shape of the engagement surface of each finger being concave. Paul suggests that an insert can have both a base from which extend fingers that have a concave engagement surface. It would therefore be obvious to one skilled in the art at the

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time the invention was made to modify Carr by making the engagement surfaces of each finger concave <u>because</u> Paul suggests the use of such a shape in a socket insert.

- 4. The remaining prior art is cited only as of interest.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G. Smith whose telephone number is 703-308-1746. The examiner can normally be reached on M-Th (7:05- 4:35) first Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-9835 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Primes G. Smith Primary Examiner Art Unit 3723

jgs July 30, 2003